

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ MAR 21 2019 ★

BROOKLYN OFFICE

Capital One Financial Corporation,

Plaintiff

— against —

Capital One Certified Inc.,

Defendant.

18-cv-580 (ARR) (RML)

Opinion & Order

**Not for electronic or print
publication**

ROSS, United States District Judge:

This court has received the Report and Recommendation on the instant case dated March 5, 2019, from the Honorable Robert M. Levy, United States Magistrate Judge. Objections were due by March 19, 2019, but no objections have been filed. The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874, 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371, 2017 WL 4838764, at *1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendation as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, plaintiff’s motion for a default judgment is granted and defendant’s use of plaintiff’s CAPITAL ONE marks is enjoined. Additionally, plaintiff’s request to file an application for attorney’s fees and costs is granted. Plaintiff must file its application for fees and

costs, along with contemporaneous attorney time records, within 30 days of the date of this order.

SO ORDERED.


/s/(ARR)

Allyne R. Ross
United States District Judge

Dated: March 20, 2018
Brooklyn, New York